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**Supreme Court sets June 1 hearing on gay marriage vote**

The Associated Press

JEFFERSON CITY, Mo. -- The Missouri Supreme Court has scheduled a June 1 hearing on a politically charged dispute over when Missourians will get to vote on a proposed state constitutional amendment banning gay marriage.

The court's order Tuesday also put election authorities on notice that they may have to scramble to assemble ballots, if Democratic state officeholders succeed in placing the measure on the August ballot as opposed to the November vote favored by Republicans.

The secretary of state had faced a 5 p.m. Tuesday deadline for informing local election officials of items to appear on the August ballot. The court's hearing schedule essentially nullifies that deadline -- extending the uncertainty a little while longer.

Political observers say the timing of the vote could play a pivotal role in this year's elections.

A November gay marriage vote in the swing state of Missouri could help draw conservative voters to the polls, providing a boost to President Bush and other Republicans. A vote coinciding with the state's August party primaries would cancel that advantage, because candidates from rival parties don't run against each other.

The state constitution automatically places proposed amendments on the November ballot, unless the governor sets a special election earlier.

Citing that authority, Democratic Gov. Bob Holden last week called a special election for Aug. 3 on the amendment, which was passed by the Republican-led legislature on the final day of its session, May 14.

But Republican Secretary of State Matt Blunt, who is running against Holden, has refused to start the paperwork process for setting an August election, because the legislature's top officers have not yet signed and sent him the official version of the legislation.

House Speaker Catherine Hanaway and Senate President Pro Tem Peter Kinder, both Republicans who are running for statewide offices, plan to do so Friday -- three days after the normal ballot notification deadline.

Democratic Attorney General Jay Nixon sued Blunt last week, seeking to force him to follow the governor's August election orders. But a circuit judge and appeals court panel both ruled for Blunt, prompting Nixon to take the case to the state's highest court.

The Supreme Court on Tuesday directed Blunt to notify local election authorities that a decision was pending on whether to place the amendment on the August ballot and that they should

be prepared to add it if the court orders so. The court gave attorneys until next Monday to file additional written arguments and scheduled a 2 p.m. oral hearing for the next day.

A Holden spokeswoman said the governor was pleased the Supreme Court decided to take up the case. A Blunt spokesman said he remained hopeful the lower court rulings would stand.

The proposed amendment consists of just one sentence: "That to be valid and recognized in this state, a marriage shall exist only between a man and a woman."

Missouri already has a law limiting marriage to one man and one woman, but supporters of the state constitutional amendment believe it could better withstand a potential legal challenge.

By not ruling immediately, the Supreme Court has shortened Missouri's 10-week notification period for ballot measures to a maximum of nine weeks in this case -- and perhaps less, depending on how long it waits to issue a ruling after next week's hearing.

Until the notification period was extended by a 1997 law, Missouri had required eight weeks of advance notice for ballot measures.

Longtime Boone County Clerk Wendy Noren, who leads legislative lobbying efforts for the Missouri Association of County Clerks and Election Authorities, said clerks requested the extension because of concerns about getting ballots to overseas voters such as military members.

Overseas absentee ballots generally must be mailed six weeks before an election to allow them to be returned by Election Day, she said. States that have not allowed enough time for absentee ballots have faced legal action, sometimes forcing them to accept ballots after the election, Noren said.

"There aren't a lot of printers who can handle the size of orders we deal with, and we weren't meeting our deadlines to get these ballots out" with the eight-week notification, Noren said.

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Lawsuit is State ex rel. Nixon v. Matt Blunt, SC86013.

Amendment is SJR29.

On the Net:

Missouri Legislature: <http://www.moga.state.mo.us>

Missouri Judiciary: <http://www.osca.state.mo.us>

Exhibit 3